

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin JENKINS et al.
Title: CATALYTIC CONVERTER AND METHOD FOR MAKING THE SAME
Appl. No.: 10/573,443
International Filing Date: 09/26/2003
371(c) Date: 11/13/06
Examiner: Unassigned
Art Unit: Unassigned
Confirmation Number: 2298

REPLY TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in reply to the Notification of Defective Response of February 22, 2007 which indicates that the submitted declaration does not comply with 37 CFR 1.497(a)-(b).

The Office also issued a Notification on September 13, 2006 which indicated that the submitted declaration did not identify the application to which it is directed by international application number and international filing date and therefore does not comply with 37 CFR 1.497(a)-(b) in that it does not identify the application to which it is directed.

In response, submitted herewith as Exhibit A is the letter to the European Patent Office which was the Receiving Office of the international application. The letter forwarded a declaration under PCT Rule 4.17. Please note that the forwarding letter, the power of attorney, and every page in the declaration identifies the PCT application by the attorney docket number used in the PCT case, that is, "6060/ WS" or "6060-WS".

Exhibit B is the PCT Request (the PCT application was filed electronically), containing the "6060-WS" attorney docket number and Exhibit C is the Receiving Office's Acknowledgement of receipt which assigns the PCT application number and PCT filing date and also contains the attorney docket number "6060-WS."

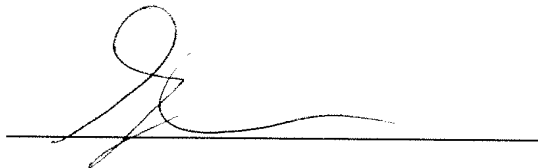
MPEP Section 602 VI, entitled Identification of Application, indicates that an attorney docket number is adequate identification, as indicated in Exhibit D. Thus, it is respectfully submitted that because the declaration identifies the application by attorney docket number it adequately identifies the application to which it is directed.

Furthermore, as indicated by 37 CFR 1.497(a), submitted herewith as Exhibit E, Rule 497(a) applies only when a declaration under PCT Rule 4.17 (iv) has not been submitted in the international application. In this case, a declaration under Rule 4.17 (iv) was submitted during the international phase and was accepted, as indicated by the Exhibit F copy of the first page of the published application, and therefore Rule 497(a)-(b) is not applicable. Furthermore, MPEP Section 1893.01(e), submitted herewith as Exhibit G, clearly indicates that a PCT Rule 4.17 (iv) declaration takes the place of a declaration under 37 CFR 1.497(a)-(b)(except in limited circumstances not present here).

It is thus respectfully requested that the Office accept the declaration under PCT Rule 4.17 (iv) and examine the application.

Please feel free to contact the undersigned if there is anything the undersigned can do to help in this matter. The Office's cooperation is sincerely appreciated.

Respectfully submitted,

By 

Glenn Law
Attorney for Applicant
Registration No. 34,371

Date: March 22, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399